

WOODLAND TRIBAL LISTENING SESSION – MEETING NOTES

Tuesday, October 22, 2013

Tribal Participants:

Larry Forst, Jackson Rancheria Band of Miwuks

Anthony Burris, Ione Band of Miwok Indians

Ryan Edson, CICC

Steven Hutchason, Wilton Rancheria

David DeLira, Dry Creek Rancheria Band of Pomo Indians

Gillian Hayes, Federated Indians of Graton Rancheria

Randy Yonemura, Ione Band of Miwok Indians

Heather Baugh, Ione Band of Miwok Indians

Caltrans Participants:

Barbara Hempstead

Maria Rodriguez

Bruce de Terra

Alex Fong

Nora Hogan

Blesilda Gebreyesus

Kim Johnston-Dodds

Rose Agacer-Solis

Pam Korte

Laurie Waters

Lonora Graves

Bennie Lee

Other Participants:

Georgiena Vivian, VRPA Technologies, Inc.

Allen Rose, Nisbett Beebe (stenographer)

Information Packets (provided to participants):

- Agenda
- Tribal Listening Session PowerPoint Presentation
- CTP 2040 Draft Vision Statement and Policy Framework
- Transportation Project and Planning Programming – Partnerships and Communication Diagram
- Tribal Listening Sessions – Discussion Questions
- The California Transportation Plan and Native American Tribes
- CTP 2040 Fact Sheet
- CTP 2040 Scope Document & Timeline
- Interregional Transportation Strategic Plan Fact Sheet
- Freight Mobility Plan Fact Sheet
- California State Rail Plan Fact Sheet
- Statewide Transit Strategic Plan Fact Sheet
- California Aviation System Plan Fact Sheet

1) Introductions and Welcome – Pam Korte

- This is the 2nd of four (4) Tribal Listening Sessions throughout the State
- Purpose of the Sessions is to have a dialogue and discussion and get early input on the California Transportation Plan (CTP) 2040
- *What is the deadline for submitting comments on the document?*

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- July of 2015. The document will then be distributed in December of 2015. The next big event will be the six (6) public workshops throughout the State which will occur in October 2014
- Introductions – All introduced themselves

2) Presentation on the CTP – Laurie Waters and Lonora Graves

- The CTP 2025 is the current plan which was finalized in April 2006. Due to SAFETEA-LU requirements, an Addendum was prepared for the year 2030
- The CTP is generally updated every 5 years, but the current deadline was extended in order to address new requirements from Senate Bill (SB) 391 passed in 2009
- What is the CTP? – It is the State's long-range transportation plan that describes the goals, policies, and strategies for the future multi-modal network. It should also incorporate Tribal transportation plans. It has a minimum 20-year planning horizon and is prepared in response to State and federal requirements. It used to be a strictly policy document, but now it includes data from modeling
- There is, or should be, coordination between Caltrans, regional agencies, and the Tribal organizations for transportation planning
- A general description was provided of the various plans that will be integrated into the CTP
- There is a difference between the Statewide and Tribal transportation processes which relates to the TIP and project initiation document process and program
- *How does a project get into a STIP or TIP?*
 - There needs to be fiscal feasibility identified for the project – the money must be identified for whichever phase of the project is to be programmed
- *Will the CTP include a section that specifically addresses Tribal consultation or Tribal transportation planning?*
 - There will definitely be a discussion, and most likely a separate section in the CTP. The CTP 2025 did not have any Tribal components and Caltrans recognizes that and is taking a different approach this time
- Caltrans is preparing a CTP and Tribal Fact Sheet to help the District Liaisons when talking with the Tribes and it will be one of the first products out of the Tribal Listening Sessions
- The transportation modeling process will be used to analyze the three (3) alternatives and their strategies to determine the potential outcomes
- There are various ways to provide input – web portal, Tribal Listening Sessions, Policy Advisory Committee, Technical Advisory Committee, workshops, and formal presentations

3) Presentation on Other Statewide Plans (Freight, Rail, Highway) – Bruce de Terra

- The Freight Plan is now required based on legislation just signed by the Governor. The Freight Advisory Committee (FAC) was formed in the spring and includes a couple of Tribal representatives. Once the Freight Plan is developed it will be presented to organizations for input, there will be Tribal consultation, and then public workshops
- *Who is on the FAC?*

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- 62 members that include Adam Geisler, a member of the Yurok Tribe, freight industry, regional governments, environmental organizations, community groups, advocates, Ports of LA, Long Beach, and Oakland, SFO, and LAX
- *By excluding Highway 88 and 16 from the Freight Plan, would they be excluded from any of the funding?*
 - No, they are still eligible for the interregional funds that Caltrans has an influence on
- All input on the Plans should be provided to the Office of State Planning, through the liaisons, or through the website (which isn't operational yet)
- The State Rail Plan includes both freight and passenger rail. The NAAC and others have indicated Caltrans did a poor job in Tribal outreach for the plan. Caltrans did make some minimal changes to acknowledge that. However, they have started the next update which has new federal and State requirements for Tribal coordination. The new plan is due in the spring of 2017 and the new process will include Tribal discussion, meeting with the NAAC, and Tribal representation on the advisory committee
- *Where can we get a copy of the applicable legislation?*
 - Assembly Bill (AB) 528 is for rail and AB 14 is for freight. Laurie Waters or Bruce de Terra can provide the information
- SB 45 was the State legislation that enacted the 75/25 funding split for Caltrans and regional governments. In 1998, Caltrans identified the set of 10 corridors and their design concepts for the Highway Plan. Since not much had been done since, Caltrans is preparing an update and reevaluating these routes and others and it will give consideration to Tribal lands and access
- *Has there been any consultation on this Highways Map that was approved?*
 - The NAAC were informed about what was occurring, but the map doesn't change anything that was decided in 1998, it only shows the status of each design concept (What has been accomplished to date)
- *Were the Tribes involved in 1998?*
 - No, only a small group of people identified the corridors and concepts
- Caltrans is currently updating the guidelines regarding how planners make decisions about highway routes. The guidelines will now specify Tribal consultation, which had only been "understood" before and not documented
- *What is the definition of "consultation"?*
 - Formal consultation with the Deputy Director. It would be part of an ongoing process

Discussion/Input from Tribes

- The Tribes are specifically concerned with receiving their share of federal funding and ensuring they are on a level playing field with other agencies. Dollar for dollar, Tribes need an equal part of the funding
- There is inconsistency when Caltrans, and other agencies, deal with Tribal Governments and it also varies depending on the Plan. There needs to be consistency put in place to make it easier for both Tribal Governments and other agencies to coordinate
- Tribal Fact Sheets should only relate to the CTP and not transportation in general. A separate Fact Sheet should be developed to deal with transportation in general

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- State agency people are trying to interpret Congressional Indian law and policy and the interpretations vary. This needs to stop
- We need to include the Bureau of Indian Affairs (BIA) and possibly hold meetings at their facility. The BIA represents a lot of smaller Tribes. The best approach would be for Caltrans and Tribal Representatives to approach the BIA together and ask them to host a meeting. One aspect that is sometimes forgotten is that the BIA has technical advisory as well
- It would be beneficial to Caltrans and the Tribes to partner on projects especially as it relates to MAP-21 funding. We also need to understand the Tribal transportation program outside of the Tribal context and its significance to Caltrans and the State, and then be able to communicate that to others. We need to work on the discussions now because the MAP-21 update is being initiated
- It is important to make sure the Tribes are involved in the Highway Plan this time. The Freight Office, Highway Planning Office, and Rail Office used to be separate, but have now been combined which should aid in this effort

4) Lunch Break

5) Discussion – Facilitated by Caltrans

- Laurie Waters referenced the discussion questions handout from the packets to start the discussion
- What do you see as the major transportation challenges facing California's Tribes now and into the future?
 - Funding. MAP-21 has changed how Tribal transportation projects are funded
 - It is important that the Tribal projects be included in the STIP and the State needs to be aware of them. The regional agencies are putting together their STIPs and regional programs now to be submitted to the transportation commission on December 15th. Now is the time to get these projects included for the short-term 2 year planning horizon
- Generically speaking, what are the needs of the Tribes?
 - During the winter, several roadways (including Highway 88 from Previtali Road to Pine Grove) are shut down due to the snow because Caltrans and the county are not able to keep up with the snow plowing. Then traffic is forced through Tribal land to access Ridge Road and the Tribal agency is required to plow the road with no assistance from Caltrans or the County of Amador. The Tribe would be happy if Caltrans could make one pass through their road. The Tribe does have their own plows and they try to keep the roadways to and from Jackson Rancheria open for the safety of their guests, which is their #1 priority
 - The process of transportation planning, programming, and funding does not seem to be working for the Tribes. The projects first have to go through local agencies, then regional, and then State. In addition, this process is not clearly defined in the CTP. Another complication is when a project goes through multiple jurisdictions or counties
 - There is some competition among local agencies and the Tribes to get on the regional plans and compete for the same funds. This doesn't seem fair and it seems that the Tribes aren't getting the representation they need. A suggestion was that Caltrans partner with the Tribes on projects to compete for federal funding

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- It would be very helpful for all Tribes to have transportation plans. Although all of them should, many may not due to lack of ability or funding. There may be grants available to help the Tribes prepare these transportation plans. There also seems to be a lack of long-term land use planning on the part of Tribal governments. Land use, transportation, housing, jobs, health, etc. all need to be looked at together
- What should be the main focus for improving the transportation system?
 - On Jackson Highway and some parts of Highway 49, we need to provide more turnouts and signage explaining the turnouts which are necessary for public safety
 - When work was done on Highway 50 last year, traffic was rerouted to Iron Mountain Road. This has negatively impacted the Tribes because people were originally unfamiliar with this alternate route. Now there is more traffic which has negatively impacted access to cultural areas. When road work is done and traffic needs to be rerouted, Caltrans need to talk to the Tribes in advance because it also causes emergency management issues. Susanville has similar issues
 - There needs to be equal treatment of Tribal governments with other government agencies because they are sovereign nations. The Tribes shouldn't have to compete with local governments for anything. It is critical to involve the BIA so there isn't misinterpretation of the laws by other agencies. A chapter needs to be added to the CTP on Tribal Consultation; however, the Tribes are very cautious about the word "consultation" because it currently has no meaning and is interpreted differently. It needs to be clearly defined. Caltrans needs to prove to the Tribes that they are truly trying to change the relationship and not doing the "same old song and dance"
 - Caltrans treats Northern and Southern California Tribes differently. The Tribes in Southern California have a larger land base and have banded together so they get a say with respect to funding. The rest of the Tribes need to band together and create their own districts which may be advantageous when dealing with local governments. Some of the Tribes in Northern California have been meeting, but have not established a consortium. They have found that the Tribes are not used to banding together, but instead are used to competing with each other. A good example of Tribes joined together is the North Coast Tribal Commission
 - The Tribes should be able to make up their own areas for participation and support for each other and this should be discussed with the State legislature. The BIA may be able to help in determining the boundaries. Laurie Waters requested clarification on this point from Randy Yonemura at a later date
 - Caltrans pointed out that the Tribal outreach process being utilized for the CTP will be evaluated for its success and potentially used for future projects. If these Listening Sessions are successful, it may become part of the formal outreach process that Caltrans can apply to all projects...which will lend itself to a consistent approach
 - There is a lack of participation in this process by all Tribal agencies. Caltrans sent letters to all Tribes and followed up with phone calls. Some felt that this is not adequate because Tribal agencies have different departments and the appropriate people may not be receiving all their mail. However, others felt that this process seemed to work because their Tribal agency received multiple letters to various departments. It was noted that the

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BIA could help fill the gaps at those smaller Tribes who don't have transportation departments

- It is not realistic to expect all Tribes to travel great distances (several hours) to attend meetings like this and Caltrans needs to go to them. Caltrans would be happy to if they received invites from the Tribes, like they did in Bishop. In the recently updated Public Participation Plan, it is noted that Caltrans should try to attend meetings that are already scheduled and take advantage of that opportunity to meet with Tribes
- Participants were favorable to the idea that Caltrans should conduct comprehensive outreach and include all applicable plans and projects. This would be the most effective and efficient use of time
- Some areas that are important to the Tribes include increasing accessibility to transportation (multi-modal), improving safety, improving bike and pedestrian facilities, improving public transit and passenger rail (especially in rural areas), reducing single occupancy vehicles, and social equity. Providing public transit from main arteries like Amtrak coming out of Stockton, providing bus service to Amador, El Dorado, and Calaveras Counties were specifically mentioned. There isn't any interregional transportation from San Joaquin to Amador County. It is not efficient to take public transit between the smaller communities because it may take you all day to travel 15 miles, if it is even possible
- Another concern for the Tribes regarding poor public transportation service is with respect to elderly communities. Those elderly that live in small communities do not have good access to medical services outside of their immediate area. Public transit agencies need to do a better job of advertising their routes so that people are aware of them and can take advantage of them
- Tribes are also concerned about the safety of bicyclists on roads with no shoulders. Although a law just passed that requires cars to give bikes 3 feet of clearance, some of the roads have no shoulders and there isn't proper signage which is dangerous
- The Tuolumne Miwok are updating their Tribal transportation plan and they have cited a safety issue due to lack of sidewalks and shoulders for those walking from the high school to the Rancheria
- Jackson Rancheria would like to be able to call local maintenance stations for assistance when they have snow storms and people abandon their vehicles on Ridge Road. They would also like to see more signage on Highways 104, 88, 16, and 49 related to bicycle travel
- Safety is a big issue in general for the Tribes because data shows that accident rates are worse in Indian Country
- Dry Creek Rancheria has similar issues with lack of shoulders on Highway 128 and Alexander Valley. They recently partnered with the County and are developing a sidewalk program for next year
- What are the barriers for establishing more partnerships between Caltrans, the Tribes, and other agencies?
 - We need to have a project in mind and then pool resources related to engineering, construction management, environmental, etc. A good partnership opportunity might be along Highway 188 with Dry Creek Rancheria

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- Is there legislation that is causing a barrier?
- Are there barriers on the side of Caltrans to forming partnerships?

6) Summary of Discussion – Bruce de Terra

- Caltrans needs to talk to the Tribes on equal footing, and this needs to happen at the beginning of the planning process
- There are big picture funding issues. Transportation funding has been steadily declining and relies heavily on bond programs currently
- It will benefit all if partnerships are established with Caltrans, the Tribes, and other agencies on projects. This will also assist in receiving funding for these projects

Discussion – Facilitated by Caltrans

- State and other regional agencies can learn a lot from how Tribal agencies get projects accomplished because they are more efficient and don't have as much unnecessary red tape. There is too much money spent trying to get the projects approved that once they are, there isn't any money left for construction
- It was agreed that the public outreach process that Caltrans now undertakes with its projects can ultimately increase the cost and extend the schedule. However, it can also result in a better product. An example of this is the Bay Bridge which now includes bike and pedestrian facilities
- *What does Caltrans mean when they say they will include a formal consultation with the Tribes as part of the outreach?*
 - The Tribal Chair, elected leadership of the Tribe, would request a meeting with the District Director. These meetings can also include other Tribal members and Caltrans staff
- *How can people provide input on the Freight Plans?*
 - Through the California Freight Advisory Committee webpage
- It's important to the Tribes that Caltrans recognize there have been long-term mistreatments in the past. Interactions have been negative, Tribes have been left out, and this has created mistrust. It seems like Caltrans is really trying to improve the relationship and it is critical that this new approach needs to become policy and procedure so it doesn't disappear with changes in time and staff
- Tribes are favorable to the increased outreach methods and feel that it's important to be flexible because different projects will need different outreach methods, formal or informal
- Two (2) separate Fact Sheets are needed; one for the CTP and one for the overall Caltrans transportation issues
- The Tribes and Caltrans need to partner together to influence federal funding (MAP-21)
- Caltrans needs to ensure that the Tribes understand the existing funding procedure
- The CTP needs to include a separate section for Tribal government, but it also needs to be incorporated throughout the entire document
- The main issues, questions, and discussions should be provided to the remaining Tribes and the session transcripts, summary, and sign-in sheets should be sent out to Tribal representatives. The next step involves setting up a meeting with the BIA

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- It should be clear that the Tribes are a sovereign nation, not like the local government and Caltrans. The Tribes need access to Caltrans through the District Director
- The Tribes need to be able to set up their own districts but this shouldn't have to happen through the legislature. A similar example is the RTA which includes 16 Tribes
- All additional comments on the CTP and/or Tribal Listening Session can be submitted in writing to Laurie Waters
- The Tribes thanked Caltrans for the meeting and Caltrans thanked the Tribes for attending and providing input